

110TH CONGRESS  
1ST SESSION

# S. 1997

To require all new and upgraded fuel pumps to be equipped with automatic temperature compensation equipment, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

AUGUST 3, 2007

Mrs. MCCASKILL introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To require all new and upgraded fuel pumps to be equipped with automatic temperature compensation equipment, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Future Accountability  
5 in Retail Fuel Act” or the “FAIR Fuel Act”.

6 **SEC. 2. AUTOMATIC TEMPERATURE COMPENSATION**  
7 **EQUIPMENT.**

8 (a) IN GENERAL.—

9 (1) NEW MOTOR FUEL DISPENSERS.—Begin-  
10 ning 90 days after the issuance of final regulations

1 under subsection (c), all motor fuel dispensers that  
2 are newly installed or upgraded at any retail fuel es-  
3 tablishment in the United States shall be equipped  
4 with automatic temperature compensation equipment  
5 to ensure that any volume of gasoline or diesel fuel  
6 measured by such dispenser for retail sale is equal  
7 to the volume that such quantity of fuel would equal  
8 at the time of such sale if the temperature of the  
9 fuel was 60 degrees Fahrenheit.

10 (2) EXISTING MOTOR FUEL DISPENSERS.—Not  
11 later than 5 years after the issuance of final regula-  
12 tions under subsection (c), all motor fuel dispensers  
13 at any retail fuel establishment in the United States  
14 shall be equipped with the automatic temperature  
15 compensation equipment described in paragraph (1).

16 (b) INSPECTIONS.—

17 (1) ANNUAL INSPECTION.—Beginning on the  
18 date described in subsection (a), State inspectors  
19 conducting an initial or annual inspection of motor  
20 fuel dispensers are authorized to determine if such  
21 dispensers are equipped with the automatic tempera-  
22 ture compensation equipment required under sub-  
23 section (a).

24 (2) NOTIFICATION.—If the State inspector de-  
25 termines that a motor fuel dispenser does not com-

1       ply with the requirement under subsection (a), the  
2       State inspector is authorized to notify the Federal  
3       Trade Commission, through an electronic notifica-  
4       tion system developed by the Commission, of such  
5       noncompliance.

6           (3) FOLLOW-UP INSPECTION.—Not earlier than  
7       180 days after a motor fuel dispenser is found to be  
8       out of compliance with the requirement under sub-  
9       section (a), the Federal Trade Commission shall co-  
10      ordinate a follow-up inspection of such motor fuel  
11      dispenser.

12           (4) FINE.—

13           (A) IN GENERAL.—The owner or operator  
14      of any retail fuel establishment with a motor  
15      fuel dispenser subject to the requirement under  
16      subsection (a) that is determined to be out of  
17      compliance with such requirement shall be sub-  
18      ject to a fine equal to \$5,000 for each non-  
19      compliant motor fuel dispenser.

20           (B) ADDITIONAL FINE.—If a motor fuel  
21      dispenser is determined to be out of compliance  
22      during a follow-up inspection, the owner or op-  
23      erator of the retail fuel establishment at which  
24      such motor fuel dispenser is located shall be  
25      subject to an additional fine equal to \$5,000.

1           (5) USE OF FINES.—Any amounts collected  
2           under paragraph (4) shall be deposited into the trust  
3           fund established under section 3.

4           (c) DEFINED TERM.—In this Act, the term “auto-  
5           matic temperature compensation equipment” has the  
6           meaning given the term in the National Institute of Stand-  
7           ards and Technology Handbook 44.

8           (d) RULEMAKING.—

9           (1) COMMENCEMENT.—Not later than 90 days  
10          after the date of the enactment of this Act, the Fed-  
11          eral Trade Commission, in consultation with the Na-  
12          tional Institute of Standards and Technology, shall  
13          commence a rulemaking procedure to implement the  
14          requirement under subsection (a).

15          (2) FINAL REGULATIONS.—Not later than 1  
16          year after the date of the enactment of this Act, the  
17          Federal Trade Commission shall issue final regula-  
18          tions to implement the requirement under subsection  
19          (a), including specifying which volume correction  
20          factor tables shall be used for the range of gasoline  
21          and diesel fuel products that are sold to retail cus-  
22          tomers in the United States.

23 **SEC. 3. AUTOMATIC TEMPERATURE COMPENSATION**  
24 **EQUIPMENT GRANT PROGRAM.**

25          (a) ESTABLISHMENT OF TRUST FUND.—

1           (1) IN GENERAL.—There is established in the  
2       Treasury of the United States a trust fund to be  
3       known as the “Automatic Temperature Compensa-  
4       tion Equipment Trust Fund” (referred to in this  
5       section as the “Trust Fund”).

6           (2) TRANSFERS.—The Secretary of the Treas-  
7       ury shall transfer to the Trust Fund out of the gen-  
8       eral fund of the Treasury an amount equal to the  
9       amount collected as fines under section 2(b)(4).

10          (3) INVESTMENT.—The Secretary of the Treas-  
11       ury shall invest such portion of the Trust Fund as  
12       is not required to meet current withdrawals. Such  
13       investments may be made only in interest-bearing  
14       obligations of the United States.

15       (b) GRANTS AUTHORIZED.—

16          (1) IN GENERAL.—The Secretary of Commerce  
17       is authorized to use amounts in the Trust Fund for  
18       grants to owners and operators of retail fuel estab-  
19       lishments to offset the costs associated with the in-  
20       stallation of automatic temperature compensation  
21       equipment on motor fuel dispensers.

22          (2) MAXIMUM AMOUNT.—The Secretary may  
23       not award a grant under this subsection in excess  
24       of—

25                (A) \$1,000 per motor fuel dispenser; or

1 (B) \$10,000 per grant recipient.

2 (3) INELIGIBLE COMPANIES.—A major inte-  
3 grated oil company (as defined in section 167(h)(5)  
4 of the Internal Revenue Code of 1986) is ineligible  
5 to receive a grant under this subsection.

6 (4) USE OF GRANT FUNDS.—Grant funds re-  
7 ceived under this subsection may be used to offset  
8 the costs incurred by owners and operators of retail  
9 establishments to acquire and install automatic tem-  
10 perature compensation equipment in accordance with  
11 the requirement under section 2(a).

12 (5) AUTHORIZATION OF APPROPRIATIONS.—  
13 There are authorized to be appropriated such sums  
14 as may be necessary to carry out this subsection.

15 (c) REIMBURSEMENT OF STATE INSPECTION  
16 COSTS.—The Secretary of Commerce is authorized to use  
17 amounts in the Trust Fund to reimburse States for the  
18 costs incurred by the States to—

19 (1) inspect motor fuel dispensers for compliance  
20 with the requirement under section 2(a); and

21 (2) notify the Secretary of Commerce of any  
22 noncompliance with such requirement.

23 **SEC. 4. SAVINGS PROVISION.**

24 (a) IN GENERAL.—Nothing in this Act may be con-  
25 strued to preempt a State from enacting a law that im-

1 poses an equivalent standard or a more stringent standard  
2 concerning the retail sale of gasoline at certain tempera-  
3 tures.

4 (b) DEFINED TERM.—In this section, the term  
5 “equivalent standard” means any standard that prohibits  
6 the retail sale of gasoline with energy content per gallon  
7 that is different than the energy content of 1 gallon of  
8 gasoline stored at 60 degrees Fahrenheit.

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